



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/023,732      | 12/21/2001  | Peter Sladen         | 367.40991X00        | 5139             |

20457 7590 06/28/2005

ANTONELLI, TERRY, STOUT & KRAUS, LLP  
1300 NORTH SEVENTEENTH STREET  
SUITE 1800  
ARLINGTON, VA 22209-3873

EXAMINER

DUONG, THOI V

ART UNIT PAPER NUMBER

2871

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                                      |                                      |  |
|------------------------------|--------------------------------------|--------------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/023,732 | <b>Applicant(s)</b><br>SLADEN, PETER |  |
|                              | <b>Examiner</b><br>Thoi V. Duong     | <b>Art Unit</b><br>2871              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 7-15 and 17-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-15, 18, 20, 21 and 27-29 is/are allowed.
- 6) ☒ Claim(s) 17, 19 and 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0505</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 19, 2005 has been entered.

According to the preliminary amendment filed on April 15, 2005, claims 7, 13 and 17 were amended, claims 1-6 and 16 were cancelled, and new claims 23-29 were added. And, according to the second preliminary amendment filed April 19, 2005, claims 17-19, 23, 25, 26, 28 and 29 were amended.

Currently, claims 7-15 and 17-29 are pending in this application.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 17 and 24 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Objections***

3. Claim 17 is objected to because of the following informalities: claim 17 should be "currently amended" instead of "previously presented." Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

Art Unit: 2871

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

**5. Claims 17, 19 and 22-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Funamoto et al. (Funamoto, USPN 6,742,907 B2).**

Re claim 17, as shown in Fig. 80, Funamoto discloses a display assembly comprising:

a display 56,

an illumination source 2; and

as shown in Fig. 74, a window 11 disposed adjacent the display without an intervening layer of material therebetween, the display viewable, wherein outer surface of the window facing the display is provided with an incorporated grating 1612 for distributed light from the illumination source 1602 in the direction of the display without passing through an intervening layer of material.

Re claim 19, as shown in Fig. 80, the display assembly comprises a first part and a second part wherein the window 11 is comprised in the first part of the assembly and the illumination source 2 is comprised in the second part.

Re claim 22, as shown in Fig. 18, the display assembly comprises a further illumination source 2 wherein the incorporated grating has a non-uniform, symmetric distribution for distributing light from the illumination sources (col. 15, lines 1-7).

Re claim 23, as shown in Figs. 76 and 80, a further outside surface of the window 11 (faced away the display) defines an exterior surface of the portable window.

Re claim 24, as shown in Fig. 80, Hatamoto discloses a unitary display window 11 for placement in registration with a display 56 so that the display is viewable through the window, wherein a first outer surface of the window is for exposure to a user, and a second outer surface of the window is for placement adjacent the display, the second outer surface being provided with an incorporated grating 12 (shown in Figs. 30A and 30B) to distribute light from an associated source of illumination 2 in the direction of the display.

Re claim 25, as shown in Fig. 80, a display assembly comprises a display 56 and an illumination source 2.

Re claim 26, as shown in Figs. 76 and 80, a portable telephone comprises a display assembly, wherein the first outer surface of the display window defines an exterior surface of the portable telephone.

***Allowable Subject Matter***

6. Claims 7-15, 18, 20, 21 and 27-29 are allowed.

The following is an examiner's statement of reasons for allowance: none of the prior art of record fairly suggests or shows all of the limitations as claimed. Specifically,

Re claims 7 and 13, none of the prior art of record discloses, in combination with other limitations as claimed, a window disposed adjacent the display, and through which the display is viewable, wherein an outer surface of the window facing the display is provided with an incorporated grating for distributing light from the illumination source in the direction of the display without the light passing through the window.

The most relevant reference, USPN 6,742,907 B2 to Funamoto et al. (Funamoto), fails to disclose or suggest distributing light from the illumination source in the direction of the display without the light passing through the window. As shown in Figs. 30A and 30B, Funamoto discloses a window 11 disposed adjacent the display 6, and through which the display is viewable, wherein an outer surface of the window facing the display is provided with an incorporated grating 12 for distributing light 19b from the illumination source 2 in the direction of the display; however, the light 19b from the illumination source 2 passes through the window 11.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thoi V. Duong whose telephone number is (571) 272-

Art Unit: 2871

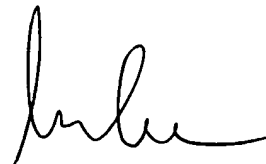
2292. The examiner can normally be reached on Monday-Friday from 8:30 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim, can be reached at (571) 272-2293.

Thoi Duong



06/20/2005



**DUNG T. NGUYEN**  
**PRIMARY EXAMINER**